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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**  
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12 Troy Adam ASHMUS,

13 Petitioner,

14 v.

15 Robert L. AYERS Jr., Warden of San Quentin  
16 State Prison,

17 Respondent.

Case Number 3-93-cv-594-TEH

DEATH-PENALTY CASE

ORDER ADOPTING JOINTLY  
PROPOSED SCHEDULE FOR  
SUBMISSION OF STATEMENT


18 The parties have submitted a Joint Report on the Status of Discovery Pursuant to Court  
19 Order of October 9, 2007. In their Report, the parties jointly propose a schedule for the  
20 submission of a further joint statement.

21 Good cause appearing therefor, the Court adopts the parties' proposed schedule.  
22 Accordingly, the parties shall meet and confer and shall file a joint statement on or before  
23 January 7, 2008, which shall include a statement of undisputed and disputed facts. In addition,  
24 the statement shall address the status of discovery relating to the efforts of the California  
25 Department of Corrections and Rehabilitation to produce discovery in *Frye v. Ayers*, No. CIV S-  
26 99-0628 LKK JFM (E.D. Cal.); the feasibility of establishing a discovery cut-off date and date  
27 for exchanging final witness and exhibit lists no less than 30 and no more than 90 days following  
28 January 7, 2008; suggested procedures for conducting the evidentiary hearing; and any other

1 matter that either party believes will require the Court's attention before selecting a date for the  
2 evidentiary hearing.

3 *It is so ordered.*

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6 DATED: 12/4/, 2007

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THELTON E. HENDERSON  
United States Senior District Judge